

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN A. MAGANA,

No. 2:23-cv-2007 AC P

**Plaintiff,**

V.

CSP SOLANO CDCR, et al.,

## ORDER AND FINDINGS AND RECOMMENDATIONS

### Defendants.

16 Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42  
17 U.S.C. § 1983. On October 31, 2024, the court screened the complaint and found that plaintiff  
18 had not stated any claims for relief except for an Eighth Amendment claim against defendant  
19 Cortez for failing to provide pain medication. ECF No. 8. Plaintiff was given the option of  
20 amending the complaint or proceeding immediately on his cognizable claim against defendant  
21 Cortez. Id. at 4. He was further advised that if he failed to notify the court how he wanted to  
22 proceed, the court would assume that he was choosing to proceed on the complaint as screened.  
23 Id. The time for plaintiff to notify the court as to how he wishes to proceed has now passed, and  
24 plaintiff has not made an election or otherwise responded to the order.

25 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall randomly  
26 assign a United States District Judge to this action.

27 IT IS FURTHER RECOMMENDED that for the reasons set forth in the October 31, 2024  
28 Screening Order (ECF No. 8 at 3), all claims and defendants be dismissed without prejudice

1 except for plaintiff's Eighth Amendment claim against defendant Cortez for failing to provide  
2 pain medication.

3 These findings and recommendations are submitted to the United States District Judge  
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days  
5 after being served with these findings and recommendations, plaintiff may file written objections  
6 with the court. Such a document should be captioned "Objections to Magistrate Judges Findings  
7 and Recommendations." Plaintiff is advised that failure to file objections within the specified  
8 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153  
9 (9th Cir. 1991).

10 DATED: December 4, 2024

11   
12 ALLISON CLAIRE  
13 UNITED STATES MAGISTRATE JUDGE

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